

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LARRY R. TALTON and STACIE C.  
TALTON,

Plaintiffs,

v.

Case No. 11-14512  
Honorable David M. Lawson

BAC HOME LOANS SERVICING LP,

Defendant.

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**ORDER DIRECTING DEFENDANT TO ANSWER COMPLAINT**

The plaintiffs filed a complaint in Oakland County circuit court on August 25, 2011, and the defendant removed the case to this Court on October 13, 2011. On October 19, 2011, the defendant filed a motion to dismiss. This motion will be scheduled for a hearing in due course. Pursuant to Federal Rule of Civil Procedure 12(a)(4), the Court may set a time for serving an answer when a motion has been served under Federal Rule of Civil Procedure 12. *See* Fed. R. Civ. P. 12(a)(4) (“Unless the court sets a different time, serving a motion under this rule alters these periods as follows. . . .”); *Hill v. Blue Cross and Blue Shield of Michigan*, 237 F.R.D. 613, 617 (E.D. Mich. 2006) (“[T]his Court recognizes that Rule 12(a)(4) also provides that a court may order an answer to be filed at a time *other than* after the motion to dismiss has been denied or the court has postponed consideration of the motion.”) (citing Fed. R. Civ. P. 12(a)(4)) (emphasis in original).

Accordingly, it is **ORDERED** that the defendant shall file an answer to the complaint **on or before November 3, 2011**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: October 20, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 20, 2011.

s/Deborah R. Tofil  
DEBORAH R. TOFIL